

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Kenneth Hayes

Docket No. 7:21-CR-37-1M

Petition for Action on Supervised Release

COMES NOW Jared Britt, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Kenneth Hayes, who, upon an earlier plea of guilty to Count 1 - Conspiracy to Possess With Intent to Distribute and Distribute 100 Grams or More of Heroin, in violation of 21 U.S.C. §§ 846 and 841(a)(1); Counts 2-4 - Distribution of a Quantity of Heroin, in violation of 21 U.S.C. § 841(a)(1); and Count 5 - Possession With Intent to Distribute a Quantity of Heroin and 50 Grams or More of a Mixture or Substance Containing a Detectable Amount of Methamphetamine, in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable Richard E. Myers II, Chief United States District Judge, on August 11, 2022, to the custody of the Bureau of Prisons for a term of 66 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. Kenneth Hayes was released from custody on August 20, 2024, at which time the term of supervised release commenced.

On November 6, 2024, a violation report was submitted to the court reporting the defendant's use of marijuana. At that time, supervision was continued to allow for further treatment.

On January 7, 2025, a violation report was submitted to the court reporting the defendant use of marijuana on two separate occasions. At that time, supervision was continued to allow for further treatment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 6, 2025, the defendant submitted a urine sample that tested positive for marijuana. This sample was confirmed positive by the national lab on January 13, 2025. The defendant has been verbally reprimanded for his illegal drug use. He is active in his treatment program and his clinician is supportive of the proposed plan to continue working toward sobriety. He attends drug testing as scheduled and has been honest about any instances of use.

Pursuant to 18 U.S.C. § 3583(d), the court shall consider whether the availability of appropriate substance abuse treatment programs, or a person's current or past participation in such programs, warrants an exception to 18 U.S.C. § 3583(g)(4) when considering any action against a defendant who fails a drug test while on supervised release. As the defendant is actively engaged in a treatment program, and considering 18 U.S.C. § 3583(d), the probation office respectively recommends the defendant be permitted to continue supervision in lieu of revocation at this time. In response to his continued substance use, a 45-day curfew with location monitoring is suggested. Any subsequent substance use will be reported to the court. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 45 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Kenneth Hayes
Docket No. 7:21-CR-37-1M
Petition For Action
Page 2

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Jared Britt
Jared Britt
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2549
Executed On: January 27, 2025

ORDER OF THE COURT

Considered and ordered this 31st day of January, 2025, and ordered filed and
made a part of the records in the above case.

Richard E. Myers II
Richard E. Myers II
Chief United States District Judge